



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**MAR 07 2016**

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6124 7953

Mr. Dean Johnson  
Director of Maintenance  
Allan Industrial Coatings, Inc.  
22191 Highway 3  
Allison, Iowa 50636

RE: Allan Industrial Coatings, Inc.  
Greene, Iowa  
RCRA ID No.: IAR000519405

Dear Mr. Johnson:

Letter of Warning/Request for Information

On December 2, 2015, a representative of the U. S. Environmental Protection Agency inspected your Greene, Iowa facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act.

My staff has reviewed the inspection report and your December 10, 2015, and December 16, 2015, emails to Mr. Doug Bryant and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Marc A. Matthews, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Matthews, of my staff, at (913) 551-7517.

Sincerely,



Becky Weber  
Director  
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section  
Iowa Department of Natural Resources

List of Violations  
Allan Industrial Coatings, Inc.  
Greene, Iowa  
RCRA ID No.: IAR000519405

40 CFR §273.14(e)	Failure to label universal waste lamps with the words: “Universal Waste—Lamps,” or “Waste Lamps,” or “Used Lamps.”
40 CFR § 262.34(a)(1)(i) → 265.173(a)	Failure to close hazardous waste storage containers.
40 CFR §262.11	Failure to determine if cloth shop rags disposed in general trash are Hazardous Waste.
40 CFR §262.11	Failure to conduct a hazardous waste determination of aerosol cans disposed in general trash.
40 CFR §262.34(d)(5)(i)	Failure to have an emergency coordinator on premises or on call.
40 CFR §262.34(d)(5)(ii)	Failure to post the emergency coordinator’s name and phone number, the fire department’s phone number, and the location of fire extinguishers and spill control equipment near the phone.
40 CFR §262.40(a)	Failure to maintain signed copies of Uniformed Hazardous Waste Manifests on file for three years.
40 CFR §262.34(a)(1)(i) → 265.174	Failure to inspect hazardous waste storage area weekly.
40 CFR §270.1(c)	Failure to have a RCRA permit for the “treatment,” “storage,” and “disposal” of any “hazardous waste.”
40 CFR §268.50(a)(1)	Accumulation and storage of hazardous wastes (for more than one year) that are restricted from land disposal is prohibited.

List of Requested Information  
Allan Industrial Coatings, Inc.  
Greene, Iowa  
RCRA ID No.: IAR000519405

At the conclusion of the December 2, 2015, inspection, the representative of the U. S. Environmental Protection Agency presented you with a Notice of Preliminary Finding which listed observations/recommendations found during the inspection.

Following review of your December 10 and 16, 2015, emails to Mr. Doug Bryant responding to the NOPF, it was determined that in order to allow EPA to complete review of this inspection, additional information is required. Please submit a written response which includes a description of all corrective actions taken and/or schedule for completing the necessary corrective actions for the following violations:

1) In response to the following violation:

40 CFR §262.11 - Failure to determine if cloth shop rags disposed in general trash are Hazardous Waste.

During the visual inspection, the inspector asked for information pertaining to the cloth shop rags. A facility representative stated that Allan Industrial Coatings (AIC) purchases approximately one box of Diamond Vogel Tech White shop rags every week. The shop rags are used to wipe equipment, to include paint guns. The used shop rags are disposed in general trash. General trash is collected weekly by Jendro and transported to the Butler County sanitary landfill located in Allison, Iowa. The inspector asked facility representatives if AIC had conducted a hazardous waste determination on the disposed cloth shop rags. They responded that AIC had not conducted a hazardous waste determination on the cloth shop rags disposed in general trash.

In your December 10, 2015, email you stated, "All hazardous rags will be properly disposed in a "HW" container, rest will be thrown in the general trash."

Additional information with greater detail is required detailing your efforts to come into compliance for failing to make a hazardous waste determination on the cloth shop rags. Specifically address the following:

- 1) Make a hazardous waste determination for the cloth shop rags. Please provide the following information concerning each hazardous waste determination:
  - a. Determine whether the waste has been excluded from regulation under 40 CFR Part 261.4.
  - b. Determine whether the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. If the waste is a listed hazardous waste, provide the applicable listed waste code(s) in your response.
  - c. Determine whether the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. If the waste is a characteristic hazardous waste, provide the applicable characteristic waste code(s) in your response.

- d. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. If you apply knowledge of the material to make the waste determination, provide all applicable hazardous waste codes for the waste in your response.
  - 2) Describe how employees will distinguish between the hazardous rags and the rags that will be thrown in the general trash.
  - 3) Include any standard operating procedures covering the cloth shop rags.
  - 4) Provide specific dates of corrective actions taken by your facility.
- 2) In response to the following violation:

40 CFR §262.11 - Failure to conduct a HW determination of aerosol cans disposed in general trash.

During the visual inspection, the inspector asked for information pertaining to the aerosol cans. A facility representative stated that AIC generates approximately two to six empty aerosol cans a month from touch-up painting. He stated that the empty aerosol cans are disposed in general trash. The inspector asked the facility representative if the aerosol cans are punctured prior to disposal in general trash. The facility representative stated that AIC does not puncture the aerosol cans prior to disposal. The inspector asked the facility representative if AIC had conducted a hazardous waste determination on the aerosol cans disposed in the general trash. He stated that AIC had not conducted a hazardous waste determination on the disposed aerosol cans

In your December 10, 2015, email you stated, "We will be putting in place proper aerosol disposal system."

Additional information with greater detail is required detailing your efforts to come into compliance for observations made by the inspector for failing to make a hazardous waste determination on the aerosol cans disposed in general trash. Specifically address the following:

- 1) Make a hazardous waste determination for the aerosol cans disposed in general trash. Please provide the following information concerning each hazardous waste determination:
  - a. Determine whether the waste has been excluded from regulation under 40 CFR Part 261.4.
  - b. Determine whether the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. If the waste is a listed hazardous waste, provide the applicable listed waste code(s) in your response.
  - c. Determine whether the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. If the waste is a characteristic hazardous waste, provide the applicable characteristic waste code(s) in your response.
  - d. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. If you apply knowledge of the material to make the waste determination, provide all applicable hazardous waste codes for the waste in your response.

- 2) Include documentation describing your aerosol disposal system.
- 3) Include any standard operating procedures covering the aerosol cans disposed in general trash.
- 4) Provide specific dates of corrective actions taken by your facility.

3) In response to the following violation:

40 CFR §262.34(d)(5)(i) - Failure to have an emergency coordinator on premises or on call.

During the visual inspection, the inspector asked a facility representative who was designated as the emergency coordinator. He stated that no one had been designated as the facility's emergency coordinator.

In your December 10, 2015, email you stated, "Designation of proper emergency coordinator and emergency action plan, discussed with facility employees."

Additional information with greater detail is required detailing your efforts to come into compliance for observations made by the inspector for failing to have an emergency coordinator on premises or on call. Specifically address the following:

Respond with the name and title of the emergency coordinator, a copy of the emergency action plan which identifies the emergency coordinator and specific dates of corrective actions.

4) In response to the following violations:

40 CFR §270.1(c) - Failure to have a RCRA permit for the "treatment," "storage," and "disposal" of any "hazardous waste."

40 CFR §268.50(a)(1) - Accumulation and storage of hazardous wastes (for more than one year) that are restricted from land disposal is prohibited.

During the visual inspection of the exterior of the facility, the inspector observed approximately 45 five-gallon containers of waste paint stored in the rear of the building. The inspector also observed two 85-gallon "recovery" or "over pack" drums. The facility representative stated that the five-gallon containers of waste paint had been moved from another facility that had been sold by AIC approximately 18 months ago. The waste paint was in the process of being placed into the "recovery" or "over pack" drums for pick up by Hydrite. The inspector observed that one of the "recovery" or "over pack" drums appeared to be full; the other appeared to be ½-full. Both drums were labeled with the words "Hazardous Waste" and were dated "9/22/15."

The inspector also observed approximately eight full, closed, 55-gallon drums labeled only with the words "Methyl Ethyl Ketone" located at the far end of the facility. The facility representative stated that the drums contained a combined waste stream of hazardous waste paint and MEK solvent that had been moved from the previously mentioned facility approximately 18 months ago. The facility representative stated that AIC was managing the drums as if they contained D001 and D035 characteristic hazardous waste and F005 listed hazardous waste. He added that AIC had ordered additional 85-gallon "recovery" drums from Hydrite and would be placing the 55-gallon drums containing the HW inside the "recovery" drums for pick up by Hydrite.

The inspector e-mailed the facility on December 14, 2015, and asked: "What were the circumstances regarding the movement of the waste paint/MEK from off site? I understood this came from a facility that was bought/sold by AIC." The facility responded on December 16, 2015, by stating: "We will be packing all the old waste paint drums into oversized over pack drums and shipping out to get the lot offsite, this will be done through hydrite. Once that's gone we should have no more than 6-55 gal on site any one time"

Additional information is required detailing your efforts to come into compliance for observations made by the inspector of the hazardous waste. Specifically address the following:

- 1) Provide the name and address of the facility that had been sold by AIC approximately 18 months ago.
- 2) Provide an inventory of all waste paint and "Methyl Ethyl Ketone" drums shipped to the Greene facility including material safety data sheets.
- 3) Provide a description of the means of shipment to the Greene facility including copies of Hazardous Waste Manifests or Bills of Lading.
- 4) Provide the date AIC began placing the waste paint into the "recovery" or "over pack" drums for pick up by Hydrite.
- 5) Provide the date or dates Hydrite picked up the waste paint and MEK drums, including copies of Hazardous Waste Manifests.

### 3007 RESPONSE INSTRUCTIONS

- \* Identify the Person(s) responding to this request on your behalf.
- \* Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- \* For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- \* For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- \* For each numbered item, identify all persons consulted in the preparation of the answer.
- \* For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- \* If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- \* If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- \* If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- \* You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, in accordance with 40 CFR 2.203(b), you must do so by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend that identifies the material with words such as "trade secret," "proprietary," or "company confidential." Please make such claims in a bold, clearly identifiable manner, such that immediately upon viewing the information it is evident that a claim of confidentiality has been made.
- \* The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- \* A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- \* Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at [www.epa.gov/epahome/cfr40.htm](http://www.epa.gov/epahome/cfr40.htm).
- \* This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- \* The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.